

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DEANGELO LAMONT MITCHELL,

Plaintiff,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Defendants.

Case No.: 2:22-cv-00236-GMN-BNW

**ORDER**

The Court, having held a Status Conference attended by the parties,<sup>1</sup> issued a ruling from the bench. In accordance with that ruling, the Court now renders a summary of facts and issues a written Order.

On July 24, 2023, Plaintiff's perineal urethroplasty surgery was performed by Dr. Ross E. Anderson ("Dr. Anderson") at Renown Health Hospital ("Renown Health") in Reno, Nevada. Surgical notes state this surgery was significantly more complex and extensive than a standard urethroplasty, lasting an additional 120 minutes. A lingual graft harvest was performed removing tissue from the underside of Plaintiff's tongue to repair his urethra which suffers from severe urethral stricture disease. Plaintiff was discharged from Renown Health on July 28, 2023. The following post-surgical medication was prescribed:

1. Triple Antibiotic 3.5 milligram – 400 unit/gram topical ointment (apply Pro Re Nata ("PRN") to tip of penis and foley catheter up to six (6) times PRN for catheter discomfort for thirty (30) days).
2. Lidocaine Viscous 2% mucosal solution (swish and spit fifteen (15) milliliter every three (3) hours as needed for mouth pain for thirty (30) days)).

<sup>1</sup> Plaintiff Deangelo Mitchell ("Plaintiff") appeared by Zoom.

- 1 3. Ibuprofen 800 milligram table (take one (1) tablet(s) three (3) times a day by  
2 oral route).
- 3 4. Bactrim 400 milligram – 80 milligram tablet (take two (2) tablets every twelve  
4 (12) hours by oral route))

5 Defendants Roland Oliver, Jeremy Bean, Ben Gutierrez, Nilo Peret, Michael Minev, and  
6 Nonilong Peret (“Defendants”) received Plaintiff’s prescriptions on July 31, 2023. However,  
7 Defendants have never provided Plaintiff the medication for his lingual graft because it was not  
8 in stock, not on the formulary, and special permission had yet to be obtained. In light of the facts  
9 and circumstances, the Court finds the resulting length of Defendants’ delay is unreasonable and  
10 dangerous. Accordingly,

11 **IT IS HEREBY ORDERED** that Defendants must immediately provide Plaintiff the  
12 prescribed post-operative medication: Lidocaine Viscous 2% mucosal solution by the end of  
13 today, as prescribed. Defendants shall be sanctioned \$1,000.00 per day for failure to provide this  
14 post-operative medication.

15 **IT IS FURTHER ORDERED** that Defendants shall email both counsel with a daily copy  
16 of Plaintiff’s medical progress notes. If no progress notes are added, Defendants shall still send  
17 an email to counsel stating that no progress notes were added.

18 **IT IS FURTHER ORDERED** that to avoid a further lapse in Plaintiff’s medication(s),  
19 Defendants must provide Plaintiff with refills for his post-operative medication before he has no  
20 medicine.

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1 The next status hearing will be held on Wednesday, September 13, 2023, at 11:00AM.  
2 Defendants shall make Plaintiff available by video.

3 **DATED** this 14 day of August, 2023.

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7 Gloria M. Navarro, District Judge  
8 United States District Court  
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